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International covenant on civil and political rights

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HUMAN RIGHTS COMMITTEE
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List of issues to be taken up in connection with the consideration of the second periodic report of the Syrian Arab Republic (CCPR/C/SYR/2000/2)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Can Covenant rights be directly invoked before the courts, and what remedies are available to persons claiming violation of their Covenant rights? Are there any judicial decisions other than Court of Cassation ruling No. 23, as mentioned in paragraph 29 of the report, confirming that the provisions of international conventions prevail over internal law?

2. What legislative or other measures have been taken to ensure respect for the rights set forth in the Covenant? What legal, administrative and other remedies are available to persons whose rights or freedoms have been violated? Is there an independent body responsible for ensuring respect for human rights?

State of emergency (art. 4)

3. Please describe the constitutional mechanism by which a state of emergency can be declared. Has there been any derogation from Covenant rights after the declaration of the state of emergency in Syria, pursuant to military statement No. 2, dated 8 March 1963? If so, please indicate which rights and the scope of the derogation. Why has the Secretary-General of the United Nations not been notified of this derogation in accordance with article 4, paragraph 3, of the Covenant?

Gender equality and principle of non-discrimination (art. 3)

4. Please provide information on any measures which the State party may have taken or is planning to take in order to ensure gender equality in matters relating to personal status and particularly as regards consent to marriage, the age of marriage, authority within the family, divorce and the right of inheritance. Is the State party planning to take measures to ensure better participation and representation of women in the political field and in civil society?

Right to life, treatment of prisoners, right to liberty and security of the person (arts. 6, 7, 9 and 10)

5. Please provide detailed information on the imposition and execution of the death penalty over the past 10 years. How many persons have been sentenced to death? How many persons have enjoyed a commutation of sentence? How many persons are awaiting execution? What are the minimum and maximum ages applicable with regard to the imposition of the death penalty?

6. Please provide information on measures taken to investigate allegations of extrajudicial executions, disappearances, torture, other inhuman or degrading treatment or punishment and arbitrary detention by members of the army or any other security forces. What has been done to bring those guilty before the courts and to prevent any recurrence of these acts?

7. Please provide details on the legal provisions and concrete information on the practice regarding police custody and pre-trial detention. Please explain how the rights recognized in article 9, paragraph 3, are guaranteed and indicate how soon after arrest is access to a lawyer guaranteed.

8. Please provide information about the actual conditions in prisons and other places of detention. Please supply statistics on the number of prisoners and give a breakdown of the prison population by age, sex and type of offence committed.

9. What measures have been taken to improve prison conditions and to investigate deaths in custody? Please comment on allegations that prisoners are denied access to medical care and that no autopsy has been performed on the bodies of political prisoners. Bearing in mind what is stated in paragraph 93 of the report, are prisoners subjected to forced labour?

Freedom of movement and protection against arbitrary or unlawful interference (arts. 12, 13 and 17)

10. Please provide information on the law concerning aliens and especially their freedom to establish residence (para. 177) and on guarantees relating to their expulsion. Is the discretionary power of the Minister of the Interior compatible with the provisions of article 13 of the Covenant?

11. How is any requirement for an exit visa compatible with article 12 (2) of the Covenant?

12. What measures have been taken to ensure the integrity and confidentiality of correspondence? What legal provisions govern the interception by the Syrian authorities, in particular the military and security services, of the correspondence of individuals?

Right to a fair trial (art. 14)

13. What measures are in place to ensure the independence and impartiality of the judiciary? Please provide further information on the provisions governing the tenure, dismissal and disciplining of members of the judiciary. Please elaborate on article 70b of the Law on the Judiciary pursuant to which disabled persons are denied access to posts in the judiciary (para. 191). What education and training programmes are in place to promote the independence and impartiality of the judiciary?

14. Please explain the composition and jurisdiction of the Higher State Security Court (para. 53). Who selects the judges? How is the finality of the court's judgement, without any appeal to a higher court, consistent with article 14, paragraph 5 of the Covenant?

15. Please explain the composition and jurisdiction of military courts; how does the procedure in these courts comply with article 14, paragraphs 1, 2 and 3 of the Covenant? What right of appeal exists so as to comply with article 14, paragraph 5?

16. Please define and explain the criteria for identifying political crimes such as those referred to in paragraph 60 of the report.

17. Please explain, with reference to the provisions of the Covenant, the confiscation of the property of officials and other persons accused of insubordination pursuant to the provisions of article 364 (b) of the Penal Code (para. 199 of the report).

Freedom of opinion, expression, assembly and association, right to take part in the conduct of public affairs, the principle of non-discrimination and the rights of persons belonging to minorities (arts. 19, 21, 22, 25, 26 and 27)

18. What restrictions of the freedom of press and expression exist in law and in practice? How can the provisions of article 19 of the Covenant be respected when the expression of opinions is subjected, without any precise criteria, to vague limitations of "constructive criticism" and the "integrity of the country and the nation" (para. 274)?

19. Please provide information on the legal regime applicable to radio and television broadcasting. Please provide information on violations of the liberty of opinion and expression to which certain persons have been subjected notably Mr. Nizar Nayyuf.

20. What restrictions exist on freedom of assembly (paras. 281 to 284 of the report) and how are they compatible with article 21 of the Covenant?

21. Please provide information concerning the restrictions on freedom of association in political and trade union matters, in the light of the provisions of article 22 of the Covenant.

22. How can the situation of political monopoly enjoyed by the Baath party be reconciled with the provisions of article 25 of the Covenant?

23. Is making persons who can neither read nor write ineligible to stand for election to parliament compatible with the principle of equality? Is the apportionment of at least 50 per cent of seats to peasants consistent with the socio-economic structure of the population? Please provide some clarification and statistics in this regard.

24. Are there any laws, regulations or directives which are applied only to the Kurdish minority? How is the principle of non-discrimination guaranteed in their respect?

Rights of the child (art. 24)

25. Please provide information on the measures taken and rules applied to ensure the implementation of article 24 of the Covenant. In the light of that article, please explain what measures have been taken to protect the rights of refugee and Syrian-born Kurdish children.

Dissemination of information about the Covenant (art. 2)

26. Please indicate the steps taken to disseminate information on the submission of reports and their consideration by the Committee, and in particular on the Committee's concluding observations. Furthermore, please provide information about the education and training on the Covenant provided to all public servants, including teachers, judges, lawyers and police officials.